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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/666,084 | 09/19/2003 | Janardhanan Radhakrishnan | 010327-008110US | 8982 |
| 20350 7590 11/20/2007 TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834 | | | EXAMINER MCCARTHY, CHRISTOPHER S | |
| | | | ART UNIT 2113 | PAPER NUMBER |
| | | | MAIL DATE 11/20/2007 | DELIVERY MODE PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/666,084

Applicant(s)

RADHAKRISHNAN ET AL.

Examiner

Christopher S. McCarthy

Art Unit

2113

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-22, 25 and 29-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4 and 6-22 is/are allowed.
- 6) ☒ Claim(s) 25 and 29 is/are rejected.
- 7) ☐ Claim(s) 30-34 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>response to arguments</u> . |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Robinson U.S. Patent 6,963,926 in view of Croslin U.S. Patent 6,327,669.

As per claim 25, Robinson teaches a system for handling data plane failures, the system comprising: a plurality of data planes; and a control processor (wherein a processing unit (or even the node as the processing unit itself) is implicitly taught as to control the storage of tables, receiving of messages, and distribution thereof in a node): a receiver configured to received routes for route data, each route specifying source data plane in which data is sent and a destination data plane in which data is received (column 8, lines 28-30, wherein NA receives route data from NB); a failure detector configured to detect a failure in a data plane in the plurality of data planes (column 7, lines 40-50); a data structure generator configured to generate a data structure that groups the routes by a source data plane for each of the plurality of data planes (column 6, line 65 – column 7, line 13); and a distributor configured to distribute the grouped routes to each associated source data plane (column 86, lines 28-30); a notifier

configured to notify data planes other than the failed data plane of the failure, wherein the data planes are configured to not send data to a failed data plane upon the notification (column lines 28-30), wherein the plurality of data planes comprise storage for storing the grouped routes that are received from the distributor (column 5, line 66, wherein it is implicitly taught that a storage means exists if the node stores the tables). Robinson does not teach wherein the control processor is separate from the plurality of data planes. Croslin does teach wherein the control processor is separate from the plurality of data planes (column 4, lines 24-61). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the centralized control processor of Croslin in the data plane recovery process of Robinson. One of ordinary skill in the art would have been motivated to use the centralized control processor of Croslin in the data plane recovery process of Robinson because Croslin teaches node recovery using routing tables utilizing the most desirable alternative path next (column 4, lines 7, lines 22-25); an explicit desire of Robinson (column 6, lines 4-10).

3. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Robinson in view of Croslin in view of Beshai et al U.S. Patent 6,744,775.

As per claim 29, Robinson teaches the system of claim 27. Robinson does not explicitly teach wherein the data planes are configured to remove a partition associated with the failed data plane upon the notification. Beshai does teach wherein the data planes are configured to remove a partition associated with the failed data plane upon the notification (column 13, lines 42-50). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the routing table updating process of Beshai to the routing table updating process of

Robinson. One of ordinary skill would have been motivated combine the routing table updating process of Beshai to the routing table updating process of Robinson because Beshai teaches the reconfiguration of the routing tables upon a failure therein (column 13, lines 42-50), an explicit desire of Robinson (column 8, lines 21-28 in the overwriting of invalid routing data); and an explicit desire of Croslin (column 7, lines 22-25, wherein route information is sent to the participating node).

Allowable Subject Matter

3. Claims 1-4, 6-22 are allowed.
4. Claims 30-34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

5. Applicant's arguments filed 10/9/07 have been fully considered but they are not persuasive.

The applicant has taken out the language of claim 27 of wherein the control processor comprises the notifier. The applicant pointed out this distinction in the Remarks dated 5/18/07 saying "By contrast, embodiments of the present invention discloses a control processor separate

from the data planes and configured to detect data plane failures and notify all data planes of the failed data plane. This type of configuration affords for a centralized and efficient method for detecting failed data planes.” This distinction is now missing making the claim more broad and rejectable using past arguments.

In light of the above arguments, all applicable rejected claims stand.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher S. McCarthy whose telephone number is (571)272-3651. The examiner can normally be reached on M-F, 9 - 5:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (571)272-3645. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Christopher S. McCarthy
Examiner
Art Unit 2113